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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,690	07/16/1999	LOUIS ROUSSEAU	VANM107.001A	2677
38834	7590	05/28/2004		
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER DOROSHENK, ALEXA A	
			ART UNIT 1764	PAPER NUMBER

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/284,690

Applicant(s)

ROUSSEAU, LOUIS

Examiner

Alexa A. Doroshenk *ADD*

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 4 and 19-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 2 and 16-18 continue to be rejected under 35 U.S.C. 103(a) as being unpatentable over Baraldi et al. (4,060,042) in view of Giraud (3,916,806).

With respect to claims 2 and 17, Baraldi et al. discloses an apparatus for the pyrolysis of waste comprising:

a rotating cell formed of a cylindrical sections (7) and (8) wherein the diameter of section (7) is larger than that of section (8) and the two sections are connected by a region (6) which extends between the larger diameter (7) and smaller diameter (8) sections (this region (6) reads on a "retaining threshold" as defined by applicant's specification, p. 3, lines 23-28);

a hopper (10) for charging waste at one end of the rotating cell;

an ash box (32) at the other end of the rotating cell; and

a recovery chimney (39).

Baraldi et al. discloses wherein the material of section (8) is to be "substantially burned" (col. 4, lines 7-15) but does not disclose wherein section (8) of the rotating cell is of a truncated conical formation.

Giraud teaches also teaches a rotating cell for incineration of refuse wherein the incineration chamber is of a truncated conical shape (152). Giraud further discloses that the truncated conical combustion shape "ensures a substantially uniform speed of

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flow for all the constituents under treatment” and teaches that a cylindrical form has undesirable results of incomplete destruction of the materials (col. 2, lines 30-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching Giraud of a truncated conical formation for an incineration/combustion portion of a rotating cell in order to ensure the complete combustion of the materials in that section, as desired by Baraldi et al.

With regard to the waste being converted into coke which is used in the truncated cone as fuel for pyrolysis of waste, such limitations are operational conditions and not given weight in an apparatus claim. An apparatus claim covers what a device is, not what a device does. MPEP 2114. The material worked upon also does not limit an apparatus claim. MPEP 2115.

With respect to claims 16 and 18, Baraldi et al. disclose wherein the connecting region (6) is of a conical shape (see fig. 1).

Allowable Subject Matter

3. Claims 4 and 19-25 continue to be objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed March 16, 2004 have been fully considered but they are not persuasive.

Applicant agrees that Giraud provides a teaching regarding the advantages of a conical shape but argues that this advantage is only recognized for a furnace in which

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liquid as well as solid waste is present and that Baraldi has only dry waste in the incineration section.

The examiner respectfully disagrees with applicant. The examiner finds that applicant has ignored the recitation of viscous in their analysis of the col. 2, lines 30-39 passage of Giraud which states, with regard to the waste materials, "be they more or less viscous or liquid".

While Baraldi does disclose that waste material is dehydrated prior to the incineration chamber of the rotating device (in the sense that a liquid which could be evaporated is removed), Baraldi also discloses that the waste materials form slag in the incineration chamber (col. 4, lines 7-15). Slag formation indicates that at least a portion of the waste materials achieves a molten state, therefore a variation of viscosity in the waste material in the incineration chamber would occur and thus the recognized advantages of the conical shape of Giraud have applicability to the Baraldi reference.

Applicant argues, in view excerpts of a manual provided by applicant which compares conventional pyrolysis and incineration processes, that one would be reluctant to modify the cylindrical zone of Baraldi because of the need to maintain a large air flow in the incinerator.

The examiner does not find this argument persuasive. As discussed above, the conical shape has recognized advantages which would motivate one to modify the Baraldi reference in such a manner.

With regard to the air flow, the examiner finds that it would be well within the ability of one of ordinary skill in the art making such a modification to size the conical

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shaped portion for sufficient air flow in the device. Additionally, the references of Bolle (3,882,801), Bauer et al. (3,847,095), Du Chambon (3,771,471) and Rousseau (3,682,117) are now made of record in order to demonstrate that rotating incineration chambers of a conical shape are known to the art.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexa A. Doroshenk whose telephone number is 571-272-1446. The examiner can normally be reached on Monday - Thursday from 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexa Doroshenk
Patent Examiner
Art Unit 1764

May 25, 2004